

*Jennifer Louise Jenkins, Administrator ad Litem of the Estate of Sterling L. Higgins
v. Obion County, Tennessee, et al.*

No. 20-cv-01056 STA-dkv

Exhibit 4
Excerpts from the Deposition of Waylon Spaulding

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

JENNIFER LOUISE JENKINS,)
Administrator *ad Litem* of the)
ESTATE OF STERLING L. HIGGINS,)
Plaintiff,)
v.) CIVIL ACTION NO.
OBION COUNTY SHERIFF'S) 1:20-cv-01056-STA-dkv
DEPARTMENT; OBION COUNTY,)
TENNESSEE; UNION CITY POLICE)
DEPARTMENT; UNION CITY,)
TENNESSEE; ROBERT THOMAS)
ORSBORNE, Individually; MARY)
BROGLIN, Individually; WAYLON)
SPAULDING, Individually; and)
BRENDON SANFORD, Individually,)
Defendants.)

THE VIDEOTAPE DEPOSITION OF OFFICER WAYLON SPAULDING

October 26, 2020

SCHAFFER REPORTING SERVICE
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Jackson, Tennessee 38303
(731) 668-6880



1 A Yes, sir.

2 Q Do you feel physically and mentally well enough to
3 give your best testimony today?

4 A Yes, sir.

5 Q And it's my goal today to ask questions that are
6 clear. If at any time you do not understand a
7 question, please ask me to clarify it or rephrase it
8 for you, and I'll do so to the best of my ability.
9 Okay?

10 A Yes, sir.

11 Q Sometimes during this deposition I will refer to
12 the Obion County Detention Center as the Obion County
13 Jail or simply the jail. If you're ever confused about
14 that, you let me know. Okay?

15 A Yes, sir.

16 Q In fact, did you and your coworkers regularly
17 refer to the Obion County Detention Center as the Obion
18 County Jail or simply the jail?

19 A Yes, sir.

20 Q Sir, as of March 25th, 2019, was it important for
21 you in connection with your activities at the
22 Obion County Jail to follow the policies, procedures,
23 and protocols of the jail?

24 A Yes, sir.

25 Q As of March 25, 2019, was it important for you in

1 connection with your activities at the jail to follow
2 your County-provided training?

3 A Yes, sir.

4 Q Did you always do your best as of March 25, 2019,
5 to follow the policies, procedures, and procedures of
6 the jail?

7 MR. MAULDIN: Object to the form.

8 You can answer.

9 A Yes.

10 Q (By Mr. Budge) Periodically -- periodically
11 during a deposition, it's possible that an attorney
12 might object to the form of the question, and unless
13 you're instructed not to answer, you can just go ahead
14 and answer the question.

15 So let me just repeat it for you. I think you did
16 answer it, but understanding that there's a form
17 objection, did you always do your best as of March 25,
18 2019, to follow the -- all of these procedures and
19 protocols at the jail?

20 A Yes, sir.

21 Q And did you always do your best as of March 25,
22 2019, to follow the training that was provided to you
23 by or through Obion County?

24 MR. MAULDIN: Object to the form.

25 Go ahead.

1 A Yes, sir.

2 Q (By Mr. Budge) As of March 2019, was there a
3 particular shift that you ordinarily worked at the
4 jail?

5 A I was working third shift.

6 Q And what were the hours of third shift?

7 A It's midnight to 8:00 in the morning.

8 Q Sir, it's been approximately 19 months since
9 Sterling Higgins died. Reflecting on the events that
10 took place between you and Sterling Higgins on
11 March 25, 2019, is there anything that you would do
12 differently, looking back on it now?

13 MR. MAULDIN: Object to the form.

14 A No, sir, there's not.

15 Q (By Mr. Budge) With regard to Sterling Higgins
16 and the events that took place between you and him on
17 March 25th, 2019, was it important to you that you
18 follow the policies and procedures and protocols of the
19 jail?

20 MR. MAULDIN: Object to the form.

21 A Yes, sir.

22 Q (By Mr. Budge) Are you confident that everything
23 that you did on March 25, 2019, with regard to Sterling
24 Higgins was done according to the policies, procedures,
25 and usual customs at the Obion County Jail?

1 training that was provided to you by the Tennessee
2 Corrections Institute?

3 A Yes, sir.

4 Q Okay. And have you been trained by the Tennessee
5 Corrections Institute or by Obion County directly on
6 any restraint techniques involving compression of the
7 blood vessels in the neck?

8 MR. MAULDIN: Object to the form.

9 A No, sir.

10 Q (By Mr. Budge) Have you been trained by the
11 Tennessee Corrections Institute or Obion County
12 directly on the dangers associated with compression of
13 tissues in the area of the neck or under the chin?

14 MR. MAULDIN: Object to the form.

15 A No, sir.

16 Q (By Mr. Budge) Have you been trained by anybody
17 about the use of spit hoods or spit masks?

18 A No, sir.

19 Q Have you been trained by anybody about the use of
20 a restraint chair?

21 MR. MAULDIN: Object to the form.

22 A Yes, sir.

23 Q (By Mr. Budge) And what training did you receive
24 and from whom about the use of a restraint chair?

25 A There -- it was -a- it was a -- I can't remember

1 came in?

2 MR. MAULDIN: Object to the form.

3 A I -- I would say close to a year, yes, sir, at
4 least.

5 Q (By Mr. Budge) Were you trained anything about
6 how long you could keep someone in a restraint chair if
7 that person wasn't moving?

8 MR. MAULDIN: Object to the form.

9 A When we put somebody in the restraint chair, they
10 are required to be able to stretch every hour, so every
11 hour you would go and let them stretch an arm, a
12 shoulder -- each arm, each leg, but it calls -- it
13 calls for every hour.

14 Q (By Mr. Budge) Were you trained about when you
15 should take somebody out of a restraint chair if they
16 were no longer moving?

17 MR. MAULDIN: Object to the form.

18 A No, sir.

19 Q (By Mr. Budge) Were you ever trained by
20 Obion County or through Obion County about when to call
21 for emergency assistance for inmates or detainees who
22 might be limp or unresponsive?

23 MR. MAULDIN: Object to the form.

24 A No, sir. That's just a given. When somebody
25 needs medical, you call medical.

1 Q (By Mr. Budge) Right. But just to clarify my
2 question, you were never trained by Obion County or
3 through Obion County or by somebody on behalf of
4 Obion County about when to call for emergency
5 assistance for inmates or detainees who might be limp
6 or unresponsive. Is that correct?

7 MR. MAULDIN: Object -- object to the
8 form.

9 A No, sir. Not a specific time, no.

10 Q (By Mr. Budge) Were you ever trained about what
11 to do if an inmate suddenly goes limp during a
12 restraint?

13 MR. MAULDIN: Object to the form.

14 A No, sir.

15 Q (By Mr. Budge) Were you ever trained about when
16 to call for medical or mental help assistant --
17 assistance for inmates or detainees who might be
18 mentally impaired or under the influence of drugs?

19 MR. MAULDIN: Object to the form.

20 A No, sir.

21 Q (By Mr. Budge) Were you ever trained about
22 something called positional asphyxia?

23 MR. MAULDIN: Object to the form.

24 A Called what? I couldn't hear you.

25 Q (By Mr. Budge) Positional asphyxia.

1 MR. MAULDIN: Same objection.

2 A You'll have to elaborate on that.

3 Q (By Mr. Budge) That's not a term you've heard
4 before?

5 A Not frequently, no, sir.

6 Q Were you ever trained about something called
7 compressional asphyxia?

8 MR. MAULDIN: Object to the form.

9 A No, sir. It don't sound familiar.

10 Q (By Mr. Budge) Were you ever trained before
11 March 25th, 2019, about any form of restraint related
12 to asphyxia or suffocation?

13 MR. MAULDIN: Object to the form.

14 A No, sir.

15 Q (By Mr. Budge) Were you ever trained about
16 accommodation of arrestees or detainees who are
17 exhibiting signs of mental illness?

18 A No, sir.

19 MR. MAULDIN: Object to the form.

20 A No, sir.

21 Q (By Mr. Budge) Were you ever trained about
22 dealing with people who are exhibiting signs of
23 intoxication from drugs?

24 MR. MAULDIN: Object to the form.

25 A No, sir.

1 Q (By Mr. Budge) Were you ever trained about
2 constitutional limits on the use of force against
3 inmates or detainees?

4 MR. MAULDIN: Object to the form.

5 A Yes, sir. It's in the use of force policy we've
6 got.

7 Q (By Mr. Budge) All right. Was there a specific
8 training on the constitutional limits on the use of
9 force against inmates or detainees? Do you recall
10 that?

11 MR. MAULDIN: Object to the form.

12 A I do not, no, sir.

13 Q (By Mr. Budge) Were you ever trained on whether
14 officers had any duty to intervene if an officer saw a
15 fellow officer using excessive or unreasonable force?

16 A Yes, sir. I would -- I would hope so. If an
17 officer has done something wrong, I would hope another
18 one would let him know, "Hey, you need to stop what
19 you're doing."

20 Q All right. But let me make sure you understand my
21 question as to the training. Did you ever receive any
22 training about any duty to intervene if you saw a
23 fellow officer using excessive or unreasonable force?

24 MR. MAULDIN: Object to the form.

25 A I -- I don't recall any training, no, sir.

1 Q (By Mr. Budge) Did you ever receive any training
2 on any constitutional obligation to summon or secure
3 medical care for inmates or detainees in need of care
4 for serious medical conditions?

5 MR. MAULDIN: Object to the form.

6 A Training? I don't remember any specific training.

7 Q (By Mr. Budge) So I -- I've asked a lot of
8 questions about training. If you had any training
9 before March 25th, 2019, on any of the subjects that I
10 just mentioned, would you have endeavored to follow
11 that training?

12 MR. MAULDIN: Object to form. Could
13 you -- could you repeat that question, Ed?

14 MR. BUDGE: Sure.

15 Q (By Mr. Budge) If you had any training on any of
16 the subjects that I mentioned before March 25th, 2019,
17 would you have endeavored to follow the training?

18 MR. MAULDIN: Object to the form.

19 A So you're asking if I had had training on what you
20 asked, would I have had any problems following that
21 training?

22 Q (By Mr. Budge) Yes. And would you have tried to
23 do so?

24 A Yes, sir. I would have followed my training. I
25 wouldn't have had any problems trying to help someone.

1 Q So if you had any training on any of those
2 subjects that I mentioned, you would have endeavored to
3 follow that training in connection with Sterling
4 Higgins?

5 MR. MAULDIN: Object to the form.

6 A Yes, sir.

7 Q (By Mr. Budge) Did you have CPR certification on
8 March 25th, 2019?

9 A No, sir.

10 Q Did you have any CPR training before March 25th,
11 2019?

12 MR. MAULDIN: Object to the form.

13 A No, sir.

14 Q (By Mr. Budge) Do you have CPR training and
15 certification now?

16 A I...

17 MR. MAULDIN: Object to the form.

18 A Honestly, I don't know, to tell you the truth,
19 Mr. Ed.

20 Q (By Mr. Budge) Do you know if any of the other
21 officers that were with you and who were present during
22 the events involving Sterling Higgins had CPR training
23 or certification?

24 MR. MAULDIN: Object to the form.

25 A I -- I don't know. I can't say.

1 an evaluation as soon as the person was put into the
2 restraint chair?

3 MR. MAULDIN: Object to the form.

4 A Yes, sir.

5 Q (By Mr. Budge) But because there was no medical
6 person working at the jail when Mr. Higgins came into
7 the jail and when he was put in the restraint chair, no
8 medical person was called to evaluate him when he was
9 put in the restraint chair. Correct?

10 MR. MAULDIN: Object to the form.

11 A Correct. We didn't have a nurse on that night
12 that I recall.

13 Q (By Mr. Budge) All right. But if a nurse had
14 been on duty, you would have called him or her over to
15 look at him as soon as he was put in the restraint
16 chair?

17 MR. MAULDIN: Object to the form.

18 A Yes, sir.

19 Q (By Mr. Budge) And if a medical person had been
20 on duty at the jail, you would have called him or her
21 to look at Mr. Higgins as soon as he stopped living;
22 correct?

23 MR. MAULDIN: Object to the form.

24 A Absolutely.

25 Q (By Mr. Budge) And just for the record,

1 you. I wanted to make sure you were done with your
2 answer.

3 A I believe I was on third shift close to a year,
4 maybe.

5 Q How many days a week did you come to work?

6 A Five.

7 Q And how many other employees worked with you at
8 the jail --

9 MR. MAULDIN: Object to the form.

10 Q (By Mr. Budge) -- on each shift that you worked
11 when you worked on third shift?

12 MR. MAULDIN: Object to the form.

13 A When -- when a sergeant was there and not on their
14 days off, there would be five; but when a sergeant was
15 off, there would be four of us.

16 Q (By Mr. Budge) And on March 25th, 2019, when
17 Sterling Higgins came into the jail, was there a
18 sergeant on shift?

19 A I -- I don't recall a sergeant, no, sir.

20 Q Can you give me a sense of the Obion County
21 Jail's -- how many cells the jail has?

22 A How many cells the jail has?

23 Q Yes, in total.

24 A Oh, in total I don't -- I don't know.

25 Q Can you give me a sense of about how many inmates

1 would be in the jail at any one time?

2 MR. MAULDIN: Object --

3 Q (By Mr. Budge) -- roughly?

4 I know you can't tell me for sure because it
5 varies.

6 A I -- it -- it usually stays between, like, 140,
7 150 to 170 and 180, I think.

8 Q All right. So your best estimate would be that on
9 an average shift there would be somewhere between about
10 140 and 170 inmates in the jail? Is that right?

11 A Yes, sir.

12 Q And on average what would be your best estimate
13 about how many new inmates would come into the jail per
14 shift that you worked when you worked the third shift?

15 MR. MAULDIN: Object to the form.

16 A On third shift it was -- it was pretty quiet most
17 nights. A busy night you might get five, six, seven.

18 Q (By Mr. Budge) And then you had all the other
19 inmates who were confined in the jail, and if they had
20 any particular need during the course of your shift,
21 you'd have to take care of those needs? Is that
22 correct?

23 MR. MAULDIN: Object to the form.

24 A Yes, sir.

25 Q (By Mr. Budge) What kind of medical staffing did

1 the Obion County Jail have? Can you describe that for
2 me?

3 MR. BUDGE: Object to the form.

4 A We had a -- an on-shift nurse, but they didn't
5 work night shift that I recall.

6 Q (By Mr. Budge) Okay. So when you worked third
7 shift from 12 midnight to 8 a.m., there was no nurse on
8 shift?

9 A Not that I recall --

10 MR. MAULDIN: Object to form.

11 A -- no, sir.

12 Q (By Mr. Budge) And when you worked on third
13 shift, again, midnight to 8 a.m., there was no other
14 medical person at the jail; is that right?

15 MR. MAULDIN: Object to the form.

16 A Not that I recall.

17 Q (By Mr. Budge) Do you know what the medical
18 staffing was like on the other shifts, the -- the first
19 shift and the second shift?

20 A I'm sorry?

21 Q Do you know what the medical staffing was like on
22 the first shift and the second shift?

23 MR. MAULDIN: Object to the form.

24 A I believe it was just -- just one nurse.

25 Q (By Mr. Budge) Do you know if that nurse worked

1 school -- excuse me -- any formal education above high
2 school?

3 A I went to a two-year diesel college.

4 Q Okay. And could you give me a -- a overview of
5 your employment history since high school up through
6 the present day?

7 A After I got -- well, in order to go to that
8 college, you had to get sponsored by a -- an ag
9 company, I guess, for lack of a better term. But
10 Tennessee Tractor was the one that sponsored me, sent
11 me to school.

12 Then once you get out of school, you work for them
13 for however long your contract that you signed was.
14 Then once that contract is up, if you want to stay with
15 them, you can; if you don't, you can go on to somewhere
16 else.

17 But after that I helped a ex-girlfriend of mine,
18 helped her family farm. Then I started at the jail.

19 Q So when did you first start working for the
20 Obion County Jail?

21 A December 21st of 2015.

22 Q And were you employed by the Obion County Jail
23 continuously from the time you started work up through
24 at least March 25th of 2019?

25 A Yes, sir.

1 A Honestly -- honestly, I don't know, Mr. Ed. I
2 don't know.

3 Q Have you ever given any -- ever given any
4 testimony, like to a grand jury or in connection with
5 any other formal inquiry, into what happened involving
6 Sterling Higgins?

7 A No, sir.

8 Q Did you know Thomas Orsborne before March 25th,
9 2019?

10 A No, sir.

11 Q Before March 25th, 2019, how long had you worked
12 with Mary Broggin?

13 A I don't -- I don't know her exact hire-in date,
14 but I believe it was close to around mine, so I'd say
15 maybe two, two and a half, three years, maybe. That's
16 just a guess.

17 Q Did the two of you often work together on
18 third shift?

19 A Yes, sir. We were on the same shift for the
20 majority of the time when I was in the jail, I believe.

21 Q Have you ever socialized with her outside of work?

22 MR. MAULDIN: Object to the form.

23 A Yes, sir, just a handful of times.

24 Q (By Mr. Budge) What types of things have you done
25 together?

1 MR. MAULDIN: Object to the form.

2 A I'm sorry?

3 Q (By Mr. Budge) What types of things have you done
4 together outside of work?

5 A Just go out to eat and hang out with her husband
6 and my wife. We'd just go out to eat and go back home.

7 Q So your families know each other?

8 A Yes, sir.

9 Q What about Brendon Sanford? How long did you know
10 him before March 25th of 2019?

11 A Just the time that he had worked at the jail,
12 which I don't know how long that had been.

13 Q Was he one of the people that worked with you on
14 third shift in the months leading up to Sterling
15 Higgins' death?

16 A Yes, sir. He was on shift with us.

17 Q Have you ever socialized with Mr. Sanford outside
18 of work?

19 MR. MAULDIN: Object to the form.

20 A I'm -- I've seen him at the grocery store a couple
21 times, and we would talk for, like, maybe a couple
22 minutes, and we'd go our separate ways but never --
23 never planned to hang out.

24 Q (By Mr. Budge) What about Stormy Travis? Was she
25 one of the people that you regularly worked with on

1 third shift before March 25th, two -- 2019?

2 A Yes, sir.

3 Q And have you socialized with her outside of work?

4 MR. MAULDIN: Object to the --

5 A No, sir.

6 MR. MAULDIN: -- form.

7 Q (By Mr. Budge) Did you know Sergeant Talmadge
8 Simmons with the Union City Police Department before
9 March 25th of 2019?

10 A Just on a work-related basis whenever he would
11 come to the jail.

12 Q To bring somebody in to the jail?

13 A Just any time he come to the jail.

14 Q As it relates to Sterling Higgins and your
15 involvement with him at the Obion County Jail in March
16 of 2019, do you remember what happened?

17 MR. MAULDIN: Object to the form.

18 A What happened with what?

19 Q (By Mr. Budge) Do you remember the event
20 involving Sterling Higgins and yourself on March 25th,
21 2019?

22 A Bits and pieces of it, yes, sir.

23 Q And what do you mean by "bits and pieces"?

24 A Well, I mean, I remember the situation, but it --
25 I don't remember everything because it's been so long

1 aware that he was there until he was eventually taken
2 away on a stretcher.

3 MR. MAULDIN: Object to the form.

4 A Okay. So if I remember correctly, Officer Travis
5 was on the control board, and I was in F pod, finishing
6 up a pod check. And she come over the radio and said
7 Union City was bringing in one black male.

8 So I finish my pod check, and I turn around and go
9 to head out the door, and I shut the doors behind me.
10 And I walk into booking -- sorry -- and I believe I
11 walked behind the counter to get some gloves. Then I
12 started down towards door 10, where Mr. Higgins was
13 being walked through the door.

14 Well, he didn't want to come in that door because
15 he thought Officer Brogglin was going to shoot him
16 because I do remember that he was saying she had a gun.
17 And he was pushing against Officer Orsborne, trying to
18 go back through the door. So Officer Orsborne
19 stiffened up and got him inside the door.

20 Well, once he come in the door, he lunged and went
21 after Officer Brogglin. Well, the first time she
22 moved, but the second time somehow he got a handful of
23 her hair. And that's when I -- that's when I got
24 there, and I grabbed Mr. Higgins and telling him, "Let
25 her go. Hey, you know, turn loose of her. Let her

1 time.

2 Q Do you remember where you put your hands when
3 Mr. Higgins was on the floor with regard to what part
4 of his body you put your hands?

5 MR. MAULDIN: Object to the form.

6 A Yes, sir. This part (indicating) was on the
7 bridge of his nose.

8 Q (By Mr. Budge) Okay. And when you say "this
9 part," what do you mean?

10 A The bottom part of my hand right here
11 (indicating).

12 Q Bottom part of your hand was on his nose?

13 A It was -- well, I can't -- I can't do it to
14 myself, but...

15 Q Well, you can -- you can demonstrate for me --

16 A Like --

17 Q -- if you want.

18 A I had my -- I had my hand like this (indicating),
19 and this part was on -- on top of his nose above his
20 nostrils (indicating). Then I kind of, like, bent it
21 down like that right there (indicating) to keep the
22 spit from flying out towards anybody.

23 Q So your left hand was on the top of his nose?

24 A To the best of my knowledge, yes, sir.

25 Q Was your left hand ever on his neck or underneath

1 his body, do you -- do you recall, after he was -- as
2 he was being put over to the restraint chair?

3 A No, sir, other than his legs being locked out
4 stiff, and me and Brendon were both holding an arm.

5 Q How long did it take you to strap Mr. Higgins into
6 the restraint chair?

7 MR. MAULDIN: Object to the form.

8 A I -- I don't know exactly.

9 Q (By Mr. Budge) What's your best estimate?

10 A I'd say within 5, 7 minutes, maybe.

11 Q Was Mr. Hudg -- Mr. Higgins handcuffed behind his
12 back during these events you described?

13 A Yes, sir, he was.

14 Q The whole time?

15 A Until we put him in the restraint chair.

16 Q How many times did Mr. Higgins spit?

17 A I don't know exactly.

18 Q What's your best estimate?

19 A I would say at least two to three times, I would
20 say.

21 Q Were you injured in any way?

22 A No, sir. I landed on my knee when I hit the
23 floor. Other than that being a little sore, but I
24 don't really consider that being injured.

25 Q To the very best of your ability, when exactly in

1 the course of events did Mr. Higgins spit at you?

2 MR. MAULDIN: Object to the form.

3 A It -- it wasn't long after he had got to the wall
4 and stopped than when I was going over to him. It
5 wasn't long after that, the best of --

6 Q (By Mr. Budge) So --

7 A -- my recollection.

8 Q So when Mr. Higgins spit at you, was he still
9 standing?

10 A No, sir. He was laying down on his back.

11 Q Okay. So it was -- it was very soon after he was
12 on the floor on his back that he spit at you?

13 A Yes, sir.

14 Q Within, let's say, 30 seconds of going to the
15 floor, would you say?

16 MR. MAULDIN: Object to the form.

17 A Within 30 seconds? I think that might have been a
18 little soon. It might have been within a -- a minute
19 or however long it took him to get over to the wall
20 because it -- he didn't -- I don't think he spit until
21 we got to the wall, or if he did, I didn't see it.

22 Q (By Mr. Budge) All right. So, best estimate,
23 maybe Mr. Higgins spit at you within about a minute of
24 the time he went on the ground and as he got to the
25 wall?

1 A Yes, sir. I would --

2 MR. MAULDIN: Object to the form.

3 A I would say that would be a safe estimate.

4 Q (By Mr. Budge) And then you say he spit on you
5 maybe two to three times? Is that right?

6 MR. MAULDIN: Object to the form.

7 A I believe so, yes, sir.

8 Q (By Mr. Budge) And was that in quick succession,
9 like spit and then spit again and then maybe spit
10 again?

11 A (The witness nodded.)

12 Um-hum.

13 Q Meaning that those times where you say that he
14 spit on you would happen within just a couple seconds
15 of each other?

16 A Yes, sir. As soon as he could get some more spit
17 in his mouth, it was -- he was spitting again.

18 Q Okay. So after about a minute or so of going to
19 the ground, did he ever spit on you again?

20 MR. MAULDIN: Object to the form.

21 A Not -- not after those first few initial times,
22 no.

23 Q (By Mr. Budge) And is it fair to say that within
24 about a minute or so of going to the ground Mr. Higgins
25 did not spit on you again, just so we have it clear?

1 MR. MAULDIN: Object to the form.

2 A Correct.

3 Q (By Mr. Budge) Do you think that Mr. Higgins was
4 knowingly and voluntarily spitting on you, or is it
5 possible that he did it in -- unintentionally or
6 without knowing what he was doing, or do you -- do you
7 know?

8 MR. MAULDIN: Object to the form.

9 A I mean, there's -- there's no way to know for
10 sure, but I feel like he knew, but I -- I couldn't -- I
11 couldn't say 100 percent.

12 Q (By Mr. Budge) Do you recall Mr. Higgins saying
13 anything to you at any time?

14 A To me personally? I don't remember anything.

15 Q Do you remember you saying anything to him, that
16 is, did you say anything to Mr. Higgins that you
17 remember at any point in time?

18 A Other than telling him to let go of
19 Officer Broggin, not that I recall, no, sir.

20 Q After Mr. Higgins spit at you, did you tell him
21 that he was going to regret it, or words to that
22 effect?

23 MR. MAULDIN: Object to the form.

24 A No, sir, not that I recall.

25 Q (By Mr. Budge) Do you think that's something that

1 Q And in this paused image, can we see Mary Broggin
2 is pointing with her right hand?

3 A Yes, sir.

4 Q And can we see that Union City Police Officer
5 Orsborne is in the lower right-hand corner of the
6 screen?

7 A Yes, sir.

8 Q And can we also see that you are near the top of
9 the screen, starting to make your way down the hallway?

10 A Yes, sir.

11 Q And why were you coming down the hallway at this
12 point in time?

13 MR. MAULDIN: Object to the form.

14 A To help escort Mr. Higgins in case anything went
15 south.

16 Q (By Mr. Budge) As far as you were concerned, was
17 this just a routine intake at this point in time?

18 A Yes, sir. It was just a -- a normal thing.

19 Q All right. I'm going to play and pause it to
20 1:46 a.m. and 24 seconds.

21 (The video was resumed and paused.)

22 Q (By Mr. Budge) Now, do you see the paused image
23 at 1:46 a.m. and 24 seconds?

24 A Yes, sir.

25 Q And in this paused image, can you see that there's

1 a physical altercation going on between Sterling
2 Higgins and Officer Brogglin?

3 MR. MAULDIN: Object --

4 A Yes.

5 MR. MAULDIN: -- to the form.

6 A Yes, sir.

7 Q (By Mr. Budge) And can we see that Union City
8 Police Officer Orsborne is standing right there just a
9 few feet away?

10 A Yes, sir.

11 Q And can we see that you're nearing the site of
12 the -- the altercation with the hat on, putting some
13 blue gloves on?

14 A Yes, sir.

15 Q And you're wearing green pants and a black top; is
16 that right?

17 A Yes, sir.

18 Q And what is your purpose in coming to a physical
19 altercation at this point in time?

20 MR. MAULDIN: Object to the form.

21 A To help Officer Brogglin.

22 Q (By Mr. Budge) And was it the case that although
23 Sterling Higgins was able to grasp Ms. Brogglin that
24 his hands were indeed handcuffed behind his back?

25 A Yes, sir, he was.

1 Q All right. I'm going to play and pause it to
2 1:46 a.m. and 28 seconds.

3 (The video was resumed and paused.)

4 Q (By Mr. Budge) I have now -- the -- the portion
5 that I paused at 1:46 a.m. and 28 seconds, what's
6 happened here?

7 A That's --

8 MR. MAULDIN: Object to the form.

9 A That's when I was telling Mr. Higgins to let Mary
10 go.

11 Q (By Mr. Budge) Was this about the point in time
12 that you took Mr. Higgins to the ground, or did that
13 come later?

14 MR. MAULDIN: Object to the form.

15 A It comes later.

16 Q (By Mr. Budge) All right. I'm going to play and
17 pause it to 1:46 a.m. and 55 seconds.

18 (The video was resumed and paused.)

19 Q (By Mr. Budge) In this paused image at 1:46 a.m.
20 and 55 seconds, can we see Union City Police Officer
21 Orsborne and Officers Sanford and Brogglin looking at
22 the ground?

23 A Yes, sir.

24 Q And by this point in time, do you have Sterling
25 Higgins on the ground?

1 A Yes --

2 MR. MAULDIN: Object to the form.

3 A Yes, sir. He had fell to the ground.

4 Q (By Mr. Budge) All right. So by -- by at least
5 1:46 a.m. and 55 seconds, you and Mr. Higgins are on
6 the ground together; is that right?

7 A Yes, sir.

8 Q Did anybody use any type of, like, leg squeeze or
9 any other type of maneuver or technique to take
10 Mr. Higgins to the ground, or did he just basically
11 slip and fall?

12 A No, sir. He fell.

13 Q He fell down?

14 A Yes, sir.

15 Q Did Union City Police Officer Orsborne do anything
16 to take him to the ground?

17 A No, sir.

18 MR. MAULDIN: Object to the form.

19 Q (By Mr. Budge) I'm sorry. I didn't catch the
20 answer.

21 A No, sir, he didn't.

22 Q And, just for the record, Union City Police
23 Officer Orsborne is the one with the patch on the right
24 shoulder?

25 A Yes, sir.

1 Q And the other man who's standing there with the
2 star over his left breast, that's Jail Officer San --
3 Sanford; correct?

4 A Yes, sir.

5 Q And by this time you're on the floor with Sterling
6 Higgins, and Mr. Higgins' hands are still handcuffed
7 behind his back. Right?

8 A Yes, sir.

9 Q And his hands remain handcuffed behind his back
10 until you uncuffed him after he was in the restraint
11 chair; correct?

12 A Correct.

13 Q You and Mr. Higgins are out of view of the camera
14 at this point in time; right?

15 A Correct.

16 Q What's happening on the ground, to the best of
17 your memory, at this point in time?

18 MR. MAULDIN: Object to the form.

19 A To the best of my memory, I'm just trying to
20 corral him, just to contain him.

21 Q (By Mr. Budge) Do you remember -- do you remember
22 any other details about what was happening on the
23 ground at this point in time?

24 A I do not.

25 Q All right. I'm going to play and pause it to

1 1:47 a.m. and 5 seconds.

2 (The video was resumed and paused.)

3 Q (By Mr. Budge) And do you see the paused image on
4 the screen at 1:47 a.m. and 5 seconds?

5 A Yes, sir.

6 Q And in this image, can we see Union City Police
7 Officer Orsborne standing and looking at the ground
8 with a green sack in his left hand?

9 A Yes, sir.

10 Q What can you tell me about what's happening on the
11 ground at this point in time?

12 MR. MAULDIN: Object to the form.

13 A It's -- it's the same thing, just trying to
14 contain Mr. Higgins.

15 Q (By Mr. Budge) Were you having a lot of trouble
16 containing Mr. Higgins at this point in time?

17 MR. MAULDIN: Object to the form.

18 A I mean, he was just trying to get away from me.

19 Q (By Mr. Budge) Were you having a lot of trouble
20 containing Mr. Higgins at this point in time?

21 MR. MAULDIN: Object to the form.

22 A No, sir, not -- not really.

23 Q (By Mr. Budge) You -- you pretty much had control
24 over him; is that correct?

25 MR. MAULDIN: Object to the form.

1 A I -- I would say it was -- it was close. I -- I
2 couldn't give you exact because I can't see.

3 Q (By Mr. Budge) Well, if -- if you were having a
4 lot of difficulty containing Mr. Higgins at 1:47 a.m.
5 and 5 seconds, you would expect that Union City Police
6 Officer Orsborne or one of the other two corrections
7 officers there would assist you. Correct?

8 MR. MAULDIN: Object to the form.

9 A Yes, sir, I believe they would have.

10 Q (By Mr. Budge) So is it fair to say that you have
11 Mr. Higgins pretty much under control by 1:47 a.m. and
12 5 seconds?

13 MR. MAULDIN: Object to the form. It's
14 asked and answered numerous times.

15 A I would -- I would say it was close, yes, sir.

16 Q (By Mr. Budge) All right. I'm going to play and
17 pause it at 1:47 a.m. and 36 seconds.

18 (The video was resumed and paused.)

19 Q (By Mr. Budge) So in the paused image on your
20 screen at 1:47 a.m. and 36 seconds, you and Mr. Higgins
21 have already been on the ground for well over a minute.
22 Correct?

23 A Yes, sir.

24 MR. MAULDIN: Object to the form.

25 Q (By Mr. Budge) And so if -- if Mr. Higgins is

1 Q (By Mr. Budge) All right. By 1:49 a.m. and
2 5 seconds, does it appear that the other officers have
3 put the leg shackles on Mr. Higgins?

4 A Yes, sir, I believe so.

5 Q And so by -- at 1:49 a.m. and 5 seconds,
6 Mr. Higgins is leg-shackled and handcuffed behind his
7 back. Correct?

8 A Yes, sir.

9 Q And Mr. Higgins is on his back on the floor; is
10 that correct?

11 A Yes, sir.

12 Q And you're on top of Mr. Higgins; is that right?

13 MR. MAULDIN: Object to the form.

14 A Well, if -- if I remember correctly, my right leg
15 was on the floor next to him, and my left leg was
16 between his two legs, so I was -- I was, like,
17 straddling his left leg it would be, if I remember
18 correctly.

19 Q (By Mr. Budge) Okay. So -- so just for the
20 record and to clarify, at 1:49 a.m. and 5 seconds,
21 Mr. Higgins was leg-shackled, handcuffed behind his
22 back, on the floor on his back, and you are over
23 Mr. Higgins with your body. Correct?

24 MR. MAULDIN: Object to the form.

25 A Yes, sir.

1 get him into the chair and get him strapped in, but I
2 do remember him grunting and moaning when we were
3 putting him into the chair.

4 Q Could you describe that grunting and moaning in as
5 much detail as you can? As if I was an observer right
6 there at the scene, describe for me exactly what you
7 mean by "grunting and moaning."

8 MR. MAULDIN: Object to form.

9 A I don't really know how to explain this. Like,
10 are you wanting -- you wanting to know what it sounded
11 like or what -- I'm confused --

12 Q (By Mr. Budge) Yes.

13 A -- on what you're asking.

14 Q Yes. I want to know what it sounded like in as --
15 in as much detail as you're able to describe it.

16 MR. MAULDIN: Object to form.

17 A Well, when -- when we set him down, he was -- he
18 was, like (indicating), like that right there.

19 Q (By Mr. Budge) Sort of a -- a -- a snoring-type
20 of sound?

21 MR. MAULDIN: Object to form.

22 A Yeah, kinda.

23 Q (By Mr. Budge) Like, a -- like, a -- like, a
24 sudden inhalation of breath accompanied by a noise?

25 MR. MAULDIN: Object to form.

1 A Yes, sir, kind of like that.

2 Q (By Mr. Budge) Sort of like the sound that one
3 would make if they were to suddenly snore in bed?

4 MR. MAULDIN: Object to form.

5 A If they were what?

6 Q (By Mr. Budge) Sort of like the sound that one
7 would make if one were to suddenly snore when they
8 were --

9 A Oh, yes, sir.

10 MR. MAULDIN: Object to form, same.

11 I -- I -- Ed, I think he's described the sound. I
12 mean, he's made the sound for you on the record.

13 MR. BUDGE: Right. It's just that for
14 the -- for purposes of the transcript, I'm not sure the
15 sound is going to show up.

16 Q (By Mr. Budge) So would you describe it as a
17 snoring type of sound?

18 MR. MAULDIN: Object to form.

19 A Yeah. That's probably about the closest I
20 could -- sound that I could think of.

21 Q (By Mr. Budge) Okay. And how many of those snore
22 types of sound did he make as he -- as you were putting
23 him in the chair?

24 MR. MAULDIN: Object to form.

25 A Two, three, four -- I don't -- I don't really

1 remember how many, honestly.

2 Q (By Mr. Budge) All right. As you were
3 manipulating the straps to strap Sterling Higgins' body
4 into the chair, how would you -- how -- how would you
5 go about doing that? What was the general procedure?

6 A Well, there's -- there's two for the feet, then
7 there's a strap on each armrest and a hand cuff on each
8 armrest, and there's a strap that goes around the
9 waist, and there's a strap that comes over the
10 shoulders and hooks around -- like, it goes -- I -- I
11 don't know the exact part of the body, but it's, like,
12 around -- around the ribs, almost.

13 Q And as you move around the chair and tighten the
14 straps and pull on the straps and do what you need to
15 do to strap him into the chair, the straps pull on and
16 tighten against Mr. Higgins' body. Is that correct?

17 A Well, yes, sir. We have to tighten the straps
18 down.

19 Q And the chair has wheels; right?

20 A The chair has what? I'm sorry, Mr. Ed.

21 Q The chair has wheels?

22 A Yes, sir, it has wheels on it.

23 Q And so from time to time, in the course of
24 strapping his body into the chair, would the chair move
25 slightly so that you have to brace the chair to keep

1 A To reverse the effects of an overdose is what I
2 was told it was used for.

3 Q (By Mr. Budge) What, if anything, made you feel
4 that this was a situation with Sterling Higgins
5 involving an overdose?

6 A We just suspected he -- it was a suspected
7 overdose.

8 Q And my question is why you suspected that.

9 A I -- I honestly couldn't tell you.

10 Q When did you first suspect that Mr. Higgins might
11 have overdosed?

12 MR. MAULDIN: Object to form.

13 A Just -- just shortly before Officer Brogglin
14 entered that cell.

15 Q (By Mr. Budge) And can you tell me with any
16 degree of specif -- specificity or even generally why
17 you thought that as of this time it might have been an
18 overdose situation?

19 A I can't.

20 Q Okay. I'll play and pause it to 2:10 and
21 26 seconds.

22 (The video was resumed and paused.)

23 Q (By Mr. Budge) Is this form of Narcan something
24 where you spray it up a person's nose?

25 A You -- you hold it like this (indicating), and

1 A Oh. Okay. Yes, sir. I -- I see it now.

2 Q Okay. Do you see where it says "I had, like, one
3 leg on his stomach"?

4 A Yes, sir.

5 Q Did you, in fact, have one leg on Sterling
6 Higgins' stomach as you were over him on the floor?

7 A It was -- it was around his groin area. I don't
8 know if it was all the way on his stomach, but it
9 was -- it was in that general area.

10 Q So is it or is it not the case that you had one
11 leg on his stomach?

12 A I -- I would say in that general area. Yes, sir.

13 Q And how much -- how much weight did you have on
14 him at that time?

15 MR. MAULDIN: Object to the form.

16 A Oh, I -- I don't know, but not all of it.

17 Q (By Mr. Budge) On page 7, beginning on line 23,
18 the transcript reads as follows -- and I'll begin at
19 line 23 and then continue -- "And that's when he went
20 to spit in my face. And after -- after he spit, like,
21 two good times, I guess his mouth got real dry, and he
22 got cotton mouth.

23 "Question: So" he was -- "so was he still trying
24 to spit?

25 "Answer: He tried one more time, but he

1 couldn't -- he couldn't get enough, like, spit to come
2 up to do anything. And he got -- he got kind of
3 quiet."

4 Do you see what I read to you?

5 A Yes, sir.

6 Q Did you tell Special Agent Tubbs in substance that
7 Sterling Higgins spit two good times, but then his
8 mouth got dry, and he tried one more time, but he
9 couldn't do enough -- get enough spit to do anything
10 after spitting twice?

11 MR. MAULDIN: Object to form.

12 A Yes, sir, I did tell him that.

13 Q (By Mr. Budge) Okay. And is that true?

14 A Yes, sir.

15 Q And then the transcript goes on to say "He got
16 kind of quiet." What did you mean by that, if you told
17 Special Agent Tubbs that?

18 A That's when he just started calming down.

19 Q By "calming down," do you mean going still or
20 nearly still?

21 MR. MAULDIN: Object to form.

22 A Yes, sir, kind of.

23 Q (By Mr. Budge) In your interview with Special
24 Agent Tubbs of the TBI, do you think you told him
25 anything about Union City Police Officer Orsborne

1)
STATE OF TENNESSEE) C E R T I F I C A T E
2)

3 I, Jill A. Schaffer, Registered
4 Professional Reporter and Notary Public for the State
5 of Tennessee, hereby certify that the witness in the
6 foregoing deposition, **OFFICER WAYLON SPAULDING**, was
7 first duly sworn by me, that the testimony of the
8 witness was written stenographically by me, and that
9 such deposition is a true and accurate record of the
10 testimony given by said witness on the 26th day of
11 October, 2020.

12 I further certify that I am neither
13 related to nor employed by any of the parties to this
14 cause of action or their counsel, nor am I financially
15 interested in the outcome of this matter.

16 I further certify that in order for this
17 document to be authentic it must bear my original
18 signature and embossed notarial seal, that reproduction
19 in whole or in part is not allowed or condoned, and
20 that such reproductions are deemed a forgery.

21 Witness my hand and seal at my office on
22 this the 8th day of November, 2020.

23
24 My Commission Expires: Jill A. Schaffer, RPR, TN #375
August 25, 2021 Notary Public at Large for the
25 My License Expires: State of Tennessee
June 30, 2022